

HONORABLE TANA LIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HEATHER HULIT,

Plaintiff

v.

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY and AETNA
LIFE INSURANCE COMPANY,

Defendants.

No. 2:23-cv-00461-TL

STIPULATED MOTION FOR LEAVE TO
FILE “ADMINISTRATIVE RECORD”
UNDER SEAL AND ~~PROPOSED~~ ORDER

NOTED FOR: AUGUST 22, 2023

I. Relief Requested

The parties respectfully move the Court, pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), to order that the “Administrative Record” in this action – the defendant insurance companies’ claim file – be filed under seal, without redactions.

II. Relevant Facts and Legal Authority

This action arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 et seq. The parties agree the Court will need to consider Defendants’ claim file to resolve the matter. Such files have come to be called the “Administrative Record” in ERISA

1 benefit cases. Here, that file is primarily medical records and other documents addressing
2 Plaintiff's medical condition.

3 Although Local Civil Rule 5(g) establishes a strong presumption in favor of public access
4 to court filings, the need to protect medical privacy qualifies as a "compelling reason" to allow
5 records to be filed under seal. *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV-
6 01569-RSM, 2013 WL 5588312 at *1 (W.D. Wash. Oct. 9, 2013) (citing *Kamakana v. City and*
7 *County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). *See also, e.g., S.L. by & through J.L.*
8 *v. Cross*, No. C18-1308RSL, -- F.Supp.3d --, 2023 WL 3738991, at *1 (W.D. Wash. May 31,
9 2023) (granting motion to file ERISA record under seal on the basis that it contains sensitive
10 personal health information); *Cont'l Med. Transp. LLC v. Health Care Serv. Corp.*, No. C20-
11 0115-JCC, 2021 WL 2072524, at *4 (W.D. Wash. May 24, 2021), *aff'd*, No. 21-35481, 2022 WL
12 2045385 (9th Cir. June 7, 2022) (granting motion to file ERISA record under seal for same
13 reason); *Macon v. United Parcel Serv., Inc.*, No. C12-260 RAJ, 2013 WL 951013, at *5 (W.D.
14 Wash. Mar. 12, 2013) (granting unopposed motion to seal medical records given the "private
15 nature of the documents at issue"); *Gary v. Unum Life Ins. Co. of Am.*, No. 3:17-CV-01414-HZ,
16 2018 WL 1811470, at *3 (D. Or. Apr. 17, 2018) ("[t]he parties have not presented, and the Court
17 is not aware of, any cases where medical information was not allowed to be filed under seal
18 under the 'compelling reasons' standard.").

19 Local Civil Rule 5.2(c) states that "in an action for benefits under the Social Security
20 Act" the "administrative record must be filed under seal" because those "actions are entitled to
21 special treatment due to the prevalence of sensitive information and the volume of filings." *Id.*
22 That reasoning applies to this action. Sensitive information is found throughout the claim file.
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As certified below, the parties discussed whether redaction would be a suitable alternative. Due to the volume of the record, and the extensive redaction that would be necessary, the parties believe redaction is not a reasonable alternative. Federal Rule of Civil Procedure 5(d) provides that the “court may order that a filing be made under seal without redaction” and the parties respectfully move the Court to so order here.

III. Local Rule 5 (g)(3)(A) Certification

The parties certify pursuant to Local Rule 5 (g)(3)(A) that attorney Mel Crawford representing Plaintiff and attorney Sarah Swale representing Defendants conferred to discuss this issue, and agreed redaction was not a reasonable means to protect Plaintiff’s medical privacy as the documents would need to be so extensively redacted.

IV. Conclusion

The parties respectfully move the Court to order that the “Administrative Record” in this action be filed under seal, without redaction.

RESPECTFULLY SUBMITTED this 22nd day of August 2023.

LAW OFFICE OF MEL CRAWFORD

By s/Mel Crawford
 Mel Crawford, WSBA # 22930
 melcrawford@melcrawfordlaw.com
 Attorney for Plaintiff

JENSEN MORSE BAKER PLLC

By s/Sarah E. Swale
 Sarah E. Swale, WSBA No. 29626
 sarah.swale@jmblawyers.co
 Attorney for Defendants

ORDER

IT IS SO ORDERED. The Court GRANTS the parties' stipulated motion and ORDERS that the administrative record in this action be filed and maintained under seal. Pursuant to Federal Rule of Civil Procedure 5(d), the record need not be redacted.

DATED this 28th day of August 2023.



Tana Lin
United States District Judge